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C O N F I D E N T I A L LA PAZ 002140

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TAGS: [PGOV](#) [PREL](#) [PHUM](#) [ASEC](#) [PTER](#) [BL](#)
SUBJECT: BOLIVIA: GOVERNMENT CRACKDOWN ON THE WAY?

REF: A. LA PAZ 1460
[1](#)B. LA PAZ 1243

Classified By: EcoPol Chief Mike Hammer for reasons 1.4 b,d

[1](#)1. (C) Summary: A negotiated agreement between the regional opposition and the government seems increasingly unlikely, despite the scheduled October 5 resumption of talks. Constitutional analysts point to endemic problems with the Movement Toward Socialism (MAS) draft constitution, including the creation of an unequal system where indigenous Bolivians have more rights than Bolivians of mixed-race or European background. Regardless of the results of the negotiations, opposition contacts predict that President Evo Morales will get his January 25 referendum on the MAS constitution "one way or another." Press reports indicate that the government is taking extra-legal steps that may constitute human rights violations, including summary arrests and a planned siege of the congress. Meanwhile Vice President Garcia Linera gave a press conference on September 30 warning that those involved in "terrorist acts" against state property will be investigated and arrested promptly. Evo Morales and his MAS government are still actively courting international approval, to the extent of manipulating international visitors and potentially interfering with the upcoming UNASUR investigation into the deaths in the northern opposition department of Pando. End summary.

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Negotiations and Meetings "Just for Show"
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[1](#)2. (C) Opposition contacts continue to tell us that they have no hopes of a negotiated agreement coming out of Cochabamba, but that they are not willing to be the ones to "walk away." Tarija Foreign Relations Representative Hugo Carvajal told Emboff that Evo's September 29 closed-door meeting with opposition Tarija Prefect Mario Cossio was "a show" to indicate that Evo has a "desire for dialogue." Reportedly nothing of substance was discussed. Carvajal said that the opposition prefects are sharing amongst themselves the results of their individual meetings with Evo and that no opposition prefect plans to break with the group. (Note:

Opposition Pando Prefect Leopoldo Fernandez is still in government custody. End note.) Carvajal opined that while the opposition prefects are trying to rally the national opposition (leaders of the opposition PODEMOS party such as former-president Tuto Quiroga and Senate President Oscar Ortiz) there is still no strategy: participation in the negotiations gives the opposition time to regroup and avoid a complete collapse. Carvajal also suggested that the current lull in hostilities would last only another two to three weeks, since the government will be unwilling to waste more time on negotiations.

13. (C) Senate President Oscar Ortiz told Emboffs September 30 that there is "no way the prefects will sign an agreement that makes them the ones that capitulated." Ortiz also said that the private meetings between the prefects and Evo are "for show" and that "one way or another" Evo will get his constitutional referendum on January 25. Because of the legal requirement for 90 days' preparation for a national referendum, Ortiz predicts that Evo will pretend to negotiate up to roughly October 25, the deadline for pushing ahead with a referendum on January 25.

Constitution Fundamentally Flawed

14. (C) As it becomes clear that Evo will get his referendum on the constitution, the contents of the document are receiving more public scrutiny. Although the government has accepted possible rewrites to only two sections of the constitution (autonomy and hydrocarbon taxes), the opposition has multiple areas of concern, including:
--the official recognition of 36 indigenous "nations" within the nation of Bolivia, which the opposition fears could weaken the concept of the Bolivian nation;
--extra rights granted to indigenous Bolivians, which the opposition believes sets up a system of two classes of citizens;
--the prevalence and power of "social control" by unrepresentative social groups, to whom the draft constitution grants considerable oversight over the executive, legislative and judicial branches;
--presidential reelection, which the opposition fears will lead to a constant state of campaign, unbeatable incumbents, and a loss of the Bolivian tradition against consecutive reelection;
--the institutionalization of "community justice", which the draft constitution grants full status with ordinary justice and for which there is no appeal;
--election and possible revocation of judges, which the opposition claims could damage judicial impartiality;
--limited rights of departments (states) under autonomy;
--restrictions on private property rights;
--economic disincentives because of state involvement in the economy;
--constitutional instability arising from the final article of the draft constitution, which allows for modification of the constitutional text by a simple majority in congress.

15. (C) Opposition and government contacts have indicated to us in the past that Evo considers re-election non-negotiable. It is not clear if he is as strongly committed to other elements that the opposition wants changed. With both sides basically marking time at this point, however, it is unlikely that any of the opposition's main sticking points (above) will be addressed. The Bolivian public will likely vote in 2009 on a document that almost no one has read but that could fundamentally affect everyone's rights.

Actions Speak Louder than Talks

16. (C) Although opposition Santa Cruz Prefect Ruben Costas described his private meeting with Evo as "wide-ranging and sincere" and credited Morales with "good will and predisposition" to negotiate, other opposition leaders

question Evo's dedication to dialogue in the face of a new government crackdown. After the press reported that Tarija civic leader Jose Vaca was "kidnapped" by Ministry of Government officials (detained without standard legal procedures), Tarija Prefect Mario Cossio called the action an offense against human rights and accused the government of wanting the dialogue to fail. He asked the government whether it would negotiate in good faith and whether it would stand by earlier promises not to persecute or detain opposition leaders. Until the government responds positively to these questions, Cossio announced that the "five autonomous departments" (Santa Cruz, Tarija, Pando, Beni, Chuquisaca) have temporarily suspended working-level negotiations in Cochabamba.

17. (C) Opposition civic groups have announced emergency meetings in response to Vaca's violent detention. In a radio interview on October 1, Minister of Government Alfredo Rada defended the arrest without due process of Jose Vaca and the similar case when civic leader Roberto Sandoval was illegally detained in Sucre on June 2 (ref B). Rada was unwilling to comment on the supposed list of fifty opposition civic leaders now sought by the police, adding, "Some civic leaders say that they are persecuted. If they thought that acts of violence would be forgotten, they are mistaken." The interviewer asked about the recent public testimony of Pando Police Commander Martha Sosa, who in an interview with La Paz daily La Razon on October 1 claimed that she was kidnapped by military officials during the September 12 assault on Cobija and that her military captors beat and threatened to rape her. Rada replied that Sosa had been subjected to "an internal disciplinary process of the police" and that "there are a series of accusations against (Sosa) which will be investigated...she has complicated the situation."

18. (C) In contrast to what Prefect Costas described as an almost-conciliatory tone in his private meeting with Evo, Vice President Garcia Linera announced on September 29 that the government would be "implacable" in its actions against people who had "committed terrorism against the state" during the conflict in opposition departments in recent weeks. Despite Presidency Minister Quintana's public acknowledgment of a government "black list" of opposition leaders whom the government intends to arrest, presidential spokesman Ivan Canelas called Senate President Oscar Ortiz a liar for having announced that Evo Morales had threatened the opposition prefects. Ortiz claimed that Evo's threats occurred during the negotiations in Cochabamba (note: diplomatic sources tell us that insults flew thick and hot from both sides of the negotiations, to the extent that a number of the international observers were visibly shocked. End note.) Canelas admitted that at times the negotiations had been "tense, because (the prefects) were immersed in a process of civil coup against the state and democracy." "But the President absolutely did not threaten those prefects" Canelas insisted, adding that it was sad that Ortiz "lies so easily, even with international observers as witnesses..."

19. (C) A contact with military access told Emboff October 1 that the government is putting the final touches on a plan to arrest Santa Cruz Prefect Costas, with the idea that if Costas is detained, other opposition leaders will crumble. Previously, a number of Santa Cruz contacts have told us that any government action against Costas would prompt his Santa Cruz supporters to "take to the streets".

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Controlling What the International Observers Observe
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10. (C) Evo's interest in international approval is still strong, as evidenced by his public gestures toward the opposition and his strict control over the UNASUR team that is charged with investigating the events of September 11 in Pando that left an unknown number of dead (government estimates range from fifteen to "over thirty", but as yet there is no definitive count of bodies.) The government reportedly plans to allow the UNASUR team only one day in

Cobija, where the conflict took place, while opposition leaders have raised the alarm over the fact that the government is strictly limiting whom the UNASUR team will interview. According to Senate President Oscar Ortiz (of the opposition PODEMOS party), the Venezuelan member of the UNASUR team cut off other members when they attempted to ask Ortiz about the events in Cobija during an office call with him. (Note: Coincidentally, the government this week received a group of six mostly-leftist EU parliamentarians who arrived in Bolivia at Evo's invitation. The parliamentarians have expressed solidarity with Evo's "change" project and concerns that the opposition is "blocking the will of the people." End note.)

Cobija Clash: The Version UNASUR Won't Hear

¶11. (C) Pando Senator Roger Pinto (PODEMOS) told Emboff on September 29 that the opposition suspects that some of the dead from the Cobija violence were Venezuelan soldiers working with the government. Pinto bases this suspicion on a report from a doctor who attended to the injured and who said that three of the bodies without identification were originally not claimed and were shipped to a hospital in the MAS stronghold of Filadelfia. After the Bolivian military took the Cobija airport, the doctor reports that Minister of Health Ramiro Tapia came to ask about the bodies, and one of the military officials accompanying Tapia asked for one of the dead by name. Although the military officials wore Bolivian uniforms, the doctor suspected that they were Venezuelan based on their "accent and demeanor."

¶12. (C) Opposition contacts inform us that the active duty military official who was killed fighting on the side of the MAS campesinos was a Navy officer, who was wearing an ID and whose identity has reportedly been confirmed by military contacts in La Paz. When Minister of Presidency Quintana and the military took over Cobija, however, they took this body and the opposition has not made use of this information; Pinto admitted that the government will likely ignore this potential scandal much as it has avoided blame for the actions of an active-duty policeman who dynamited a television station in Tarija in August (ref A).

13, (C) Pinto told Emboff that at least five of the deaths in the Cobija violence were opposition-aligned (two unarmed prefect employees who were originally shot when they tried to block the MAS march and three from the later standoff in Porvenir.) Pinto claims that the first casualty was an unarmed prefecture engineer who was shot point-blank in the head by Filadelfia campesinos armed by the MAS. The second prefecture engineer died later, apparently from wounds received in the initial clash. The later standoff at about 7 a.m. in Porvenir was the opposition's attempt to stop the MAS campesino's march to Cobija. Pinto claimed that the government advertisement showing campesinos crossing the river ostensibly being fired upon is a fraud: he says the sound of gunfire on tape is authentic, but that it comes from campesino munitions exploding in a truck fire. Pinto alleges that the campesinos shown in the ad swimming across the river were armed campesinos fleeing the scene: "If these shots were directed at the people swimming, there would be a river of dead bodies." He claimed no one died in that particular altercation on the outskirts of Porvenir.

Comment

¶14. (C) Whether the opposition's version of the events in Cobija is true or not, it is becoming increasingly clear that the supposedly impartial UNASUR investigation team will not likely hear any version of events other than the government's. The Bolivian government is engaged in an unrelenting attempt to win international support. From a show of willingness to negotiate--which almost all Bolivians discount but which is daily paraded before the international

press--to attempted manipulation of evidence and witnesses in the Cobiya violence, the government is exerting every effort to obtain the blessing of the international audience. As it becomes more likely that Evo will use extra-legal means to push forward the referendum on the MAS draft constitution, Evo's avid courting of international approval may be an attempt to avoid criticism as he strong-arms the opposition and avoids legal procedure. Further arrests of opposition civic leaders could cause negotiations to collapse and could prompt violence in opposition departments. End comment.
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